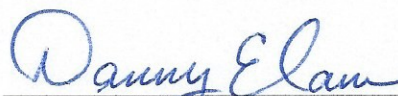


DECLARATION OF DANNY ELAM

1. I, Danny Elam, pursuant to 28 U.S.C. §1746, declare the following testimony is true and correct based upon my own personal knowledge.
2. I am a Defendant in *John and Jane Doe No. 1, et al. v. Bethel Local School District Board of Education, et al.*, U.S. District Court, S.D. Ohio Case No. 3:22-cv-00337, named in my official capacity only.
3. I serve the Bethel Local Schools Board of Education as an elected school board member from 2018 to present.
4. The Board of Education adopts policies to uphold state and federal law and constitutions.
5. A certified, true and correct copy of select policies adopted by the Board of Education are filed on record in this action through Fiscal Officer Tina Hageman. Some of these policies are referenced in this Declaration by their bates numbers, “BOE 1-276.”
6. As an elected member of the Bethel Local Schools Board of Education, I swear or affirm through the administration of the oath of office to uphold state and federal law and constitutions consistent with Policy 142.1, BOE 4.
7. Ohio’s Open Meeting Act, O.R.C. 121.22 (“OMA”), is enforced through Board of Education Policies 164, 165.1, 165.2, 165.3, 166, 167, 167.1, 167.2, 168, 169.1, 169.2, BOE 6-20.
8. In compliance with these policies, I have never attended a “secret meeting” with a quorum of other Board Members. A quorum is three members, per Board of Education Policy 162, BOE 5.
9. Specifically, I have not attended a “secret meeting” from September 13, 2021 and January 10, 2022, as alleged in Plaintiffs’ Complaint in violation of the OMA or Board Policy.
10. All my Board of Education meeting attendance is recorded from September 13, 2021 and January 10, 2022, in the official written and recorded Meeting Minutes. All Board of Education meetings are noticed and open to the public consistent with the OMA, by the Fiscal Officer, as this is one of her assigned duties.
11. I have never deliberated or voted on a “new rule” regarding transgender use or prohibition of use of communal restrooms or any intimate facility between September 13, 2021 and January 10, 2022.

12. Transgender students' requests to use communal restrooms in alignment with their sexual identity is always and only enforced by administration under the written Board of Education policies. The current Policy Manual is accessible at <https://go.boarddocs.com/oh/bethlsd/Board.nsf/Public?open&id=policies>. All Board of Education adopted policy related to transgender students' rights to use communal restrooms is contained in the Policy Manual.
13. Never during my tenure to date as a board member is board policy changed to address any issue related to transgender students' rights.
14. All Board of Education policy is written and contained in the Board's Policy Manual.
15. The administration, not the Board of Education or any of its members, is always charged with enforcing the Board's policies contained in the Policy Manual. The administration, not the Board of Education or any of its members, always responds to all requests for accommodation made by transgender students under Board Policy.
16. At all times during my appointment as a Board of Education member, I know it is my responsibility to comply with the OMA and Board Policy, as well as state and federal law and constitutions. To perform my duties as an elected official in a reasonable and informed manner, I attend training on a regular basis. My training includes, but may not be limited to, training received in my capacity as a public-school employee as Director of Bands, Lawrence Co. (KY) schools, 1978-1986; Band Director, Bethel Local Schools, 1987-2016; Choral Director, Bethel Local School 1996-2016; Board Member 101 Training, 2019; and Miami Co Educational Service Center Board Member Training 2018, 2022.

I declare under penalty of perjury that the foregoing is true and correct.



Danny Elam, Board Member

1-9-2023

Date